

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
PAUL DENVER,	:	
	:	
Plaintiff,	:	
	:	19-CV-1312 (VSB) (KHP)
- against -	:	
	:	<b><u>OPINION &amp; ORDER</u></b>
	:	
COMMISSIONER OF SOCIAL SECURITY,	:	
	:	
Defendant.	:	
-----	X	

Appearances:

Richard Blake Seelig  
Seelig Law Offices, LLC  
New York, NY  
*Counsel for Plaintiff*

Mary Ellen Brennan  
U.S. Attorney's Office, SDNY  
New York, New York  
*Counsel for Defendant*

VERNON S. BRODERICK, United States District Judge:

Before me is Magistrate Judge Katherine H. Parker's unobjected to Report and Recommendation, entered on November 18, 2024. (Doc. 40 ("Report" or "R&R").) On February 11, 2019, Plaintiff filed a complaint for review of a denial of Plaintiff's application for social security disability insurance benefits. (Doc. 1.) The case was assigned to Judge Alison J. Nathan. On December 6, 2019, the parties filed a joint stipulation in lieu of cross-motions for judgment on the pleadings. (Doc. 22.) On January 27, 2020, Judge Parker issued a Report and Recommendation recommending that Judge Nathan grant Defendant's motion and deny Plaintiff's motion. (Doc. 24.) Plaintiff timely objected. (Doc. 25.) After receiving an

extension, Defendant responded. (*See* Docs. 27, 28.) On June 1, 2020, Judge Nathan adopted in part and rejected in part the Report and Recommendation, and remanded the matter to the Commissioner for further administrative proceedings. (Doc. 29.) On August 7, 2020, Judge Nathan so ordered the parties' stipulation that Defendant shall pay Plaintiff \$10,000 in attorneys' fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and \$400 in costs from the Judgment Fund pursuant to 28 U.S.C. § 1920. (Doc. 32.)

On August 12, 2024, Plaintiff filed a motion for attorneys' fees under 42 U.S.C. § 406(b). (Doc. 33.) On August 14, 2024, this case was re-assigned to me. After receiving an extension, Defendant filed a letter response to Plaintiff's motion for attorneys' fees on September 10, 2024. (*See* Docs. 38, 39.) On November 18, 2024, Judge Katherine H. Parker issued her Report and Recommendation, which recommends that Plaintiff's motion for attorneys' fees be granted. (R&R 1.) Neither party filed objections or sought an extension to file objections.

In reviewing a magistrate judge's report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within fourteen days of being served with a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). When a party submits a timely objection, a district court reviews *de novo* the parts of the report and recommendation to which the party objected. 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). When neither party submits an objection to a report and recommendation, or any portion thereof, a district court reviews the report and recommendation, or that portion, for clear error. *See, e.g., Rodriguez v. Clearbrook Mgmt. Inc.*, No. 22-CV-4442, 2023 WL 112756, at \*1 (S.D.N.Y. Jan. 5, 2023); *Caballero v. Comm'r of Soc. Sec.*, No. 18-CV-7794, 2019 WL 2602849, at \*1 (S.D.N.Y. June 25, 2019).

Judge Parker notified the parties that they “shall have fourteen days from the service of this Report and Recommendation to file written objections to the Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1) and Rules 72(b) of the Federal Rules of Civil Procedure.”

(R&R 6.) Here, neither party objected to the Report or requested additional time to file objections. Accordingly, I have reviewed Judge Parker’s thorough and well-reasoned Report for clear error and, after careful review, found none. Accordingly, I ADOPT the Report.

The Clerk of Court is respectfully directed to enter judgment per the terms stated in the Report and to close the open motion at docket entry 33.

SO ORDERED.

Dated: March 18, 2025  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first letter "V" is large and prominent. The signature is positioned above a horizontal line.

Vernon S. Broderick  
United States District Judge